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*Attorneys for Plaintiff BBK Tobacco & Foods, LLP,
d/b/a HBI International*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

BBK Tobacco & Foods, LLP, an Arizona
limited liability partnership, d/b/a HBI
International,

Plaintiff,

vs.

Vapour Ltd, a Seychelles business entity;
OTC Productions, Inc., a Seychelles
business entity; 1673030 Alberta, Inc., a
Canadian business entity; Nikki's Vapor
Bar, USA, Inc., a Delaware Corporation;
Best Product Technology Ltd., a Seychelles
business entity; Doe Corporations XX
through ZZ; and Doe Individuals 1 through
10,

Defendants.

Case No. 2:13-cv-00070-GMS

SECOND AMENDED COMPLAINT

(Jury Trial Demanded)

DESCRIPTION OF ACTION

1. This is an action by BBK Tobacco & Foods, LLP dba HBI International ("Plaintiff") for trademark infringement, trade dress infringement, and unfair competition. Plaintiff seeks injunctive relief and damages for trademark infringement and trade dress infringement under the Lanham Act, 15 U.S.C. §1114 and for unfair competition under 15 U.S.C. § 1125(a) and the common law of the State of Arizona.

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THE PARTIES

2. Plaintiff is an Arizona limited liability partnership. It was formed in Arizona, has its principal place of business in Arizona, and does business under the name HBI International.

3. Upon information and belief, Defendant Vapour LTD is a Seychelles business entity with its principal place of business in Canada.

4. Upon information and belief, Defendant OTC Productions, Inc. is a Seychelles business entity with its principal place of business in Canada.

5. Upon information and belief, Defendant 1673030 Alberta, Inc. (hereafter “Alberta, Inc.”) is a corporation organized under the laws of the Government of Alberta, Canada.

6. Upon information and belief, Defendant Nikki’s Vapor Bar USA, Inc. is a Delaware corporation.

7. Upon information and belief Defendant Best Product Technology, Ltd. is a corporation organized in the Seychelles and with offices in Mahe, Seychelles.

8. The identity of Doe Corporations XX through ZZ and Doe Individuals 1 through 10 are unknown at this time. However, upon information and belief Plaintiff alleges that each of these Doe Defendants participated along with Juicy eJuice, Vapour LTD and OTC Productions, Inc., Nikki’s Vapor Bar USA, Inc., Alberta, Inc., and Best Product Technology, Ltd. and are liable to Plaintiff for the acts alleged herein.

9. Upon information and belief, Vapour Ltd., OTC Productions, Inc., Alberta, Inc., Nikki’s Vapor Bar USA, Inc., Best Product Technology, Ltd., Doe Corporations XX through ZZ, and Doe Individuals 1 through 10 (“Defendants”) are related to each other, are the alter egos of each other, are the agents of each other, or otherwise acted in concert with a common purpose sufficient enough to make each liable for the acts of the other.

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JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1332, 1338, and 1367. This case primarily involves a federal question, complete diversity of citizenship exists, and the amount in controversy exceeds \$75,000.

11. Venue in this judicial district is appropriate pursuant to 28 U.S.C. § 1391(a).

12. Defendants are subject to general and specific jurisdiction of this Court by virtue of their substantial contacts with Arizona, including, but not limited to, doing business in Arizona, marketing its products to consumers in Arizona, and operating an active website through which consumers in Arizona can purchase the infringing products.

COMMON ALLEGATIONS

13. Plaintiff sells various products for consumers who use smoking tobacco, legal smoking herbs and electronic smoking devices (“Plaintiff’s Products”).

Plaintiff’s JUICY Marks

14. Plaintiff is selling, and has sold, some of Plaintiff’s Products under various trademarks incorporating the word “JUICY” as an element of the mark (“Plaintiff’s JUICY Marks”).

15. Some of Plaintiff’s Products sold using Plaintiff’s JUICY Marks are: cigarette rolling papers; liquid chemical flavorings for legal smoking herbs, cigar and pipe tobacco and liquids used in electronic smoking devices; spray chemical flavorings for legal smoking herbs, cigar and pipe tobacco; cigar wraps; non-tobacco legal smoking herbs; cigars; cigarillos; and smoking tubes, among other products.

16. Plaintiff’s combined line of JUICY brand products includes, but is not limited to: JUICY JAY’S® flavored rolling papers; JUICY BLUNTARILLO and JUICY FATMOUTH flavored cigars; JUICY flavored cigar wraps; JUICY DROPS and

1 JUICY FLAVORNATOR liquid flavorings for legal smoking herbs, pipes, cigars and e-
2 cigarettes; and JUICY JUICIFIER portable vapor pens.

3 17. Plaintiff is selling, and has sold, rolling papers identified by the name
4 JUICY JAY'S®.

5 18. Plaintiff is selling, and has sold, liquid chemical flavorings identified by
6 the name JUICY FLAVORNATOR.

7 19. Plaintiff sold liquid chemical flavorings identified by the name JUICY
8 DROPS.

9 20. Plaintiff is selling, and has sold, glue for cigarette rolling papers and cigar
10 warps and the glue is identified by the name JUICY ROLLING GLUE.

11 21. Plaintiff has offered, and is offering, for sale spray chemical flavorings for
12 legal smoking herbs, cigar and pipe tobacco and e-cigarette liquid and the flavorings are
13 identified by the name JUICY SPLASH.

14 22. Plaintiff is selling, and has sold, non-tobacco legal smoking herbs
15 identified by the name JUICY.

16 23. Plaintiff is selling, and has sold, tobacco wraps identified by the name
17 JUICY HERBS.

18 24. Plaintiff is selling, and has sold, cigars identified by the name JUICY
19 BLUNTARILLO.

20 25. Plaintiff is selling, and has sold, cigars identified by the name JUICY
21 FATMOUTH.

22 26. Plaintiff is selling, and has sold, cigarillos identified by the name JUICY
23 CIGARS FATMOUTH CIGARILLOS.

24 27. Plaintiff is selling, and has sold, incense products identified by the name
25 JUICY JAY'S®.

26 28. Plaintiff is selling, and has sold, cigar rollers identified by the name
27 JUICY®.
28

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1 29. Plaintiff is selling, and has sold, jars for storing tobacco and legal smoking
2 herbs and the jars are identified by the name JUICY.

3 30. Plaintiff is selling, and has sold, cigar tobacco identified by the name
4 JUICY TOBACCO.

5 31. Plaintiff is selling, and has sold, smoking cones identified by the name
6 JUICY JAY'S JONES.

7 32. Plaintiff is selling, and has sold, portable vapor pens identified by the
8 name JUICY JUICIFIER.

9 33. Plaintiff is selling, and has sold, rolling paper cases identified by the name
10 JUICY JAY'S.

11 34. Plaintiff is selling, and has sold, herb seeds identified by the name JUICY
12 HERBS.

13 35. Plaintiff is selling, and has sold, tobacco wraps identified by the name
14 JUICY NATURAL WRAPS.

15 36. Plaintiff is selling, and has sold, tobacco wraps identified by the name
16 JUICY DOUBLE WRAPS.

17 37. Plaintiff is selling, and has sold, tobacco wraps identified by the name
18 JUICY SUPER WRAPS.

19 38. Plaintiff is selling, and has sold, tobacco rolling paper rolls identified by
20 the name JUICY JAY'S®.

21 39. Plaintiff is selling, and has sold, tobacco leaf wraps identified by the name
22 JUICY® BLUNTS.

23 40. Plaintiff is selling, and has sold, a tobacco rolling device identified by the
24 name JUICYMATIC.

25 41. Plaintiff has used the JUICY JAY'S® mark to identify Plaintiff's cigarette
26 rolling papers since 1999.

27 42. Plaintiff has used the JUICY JAY'S® mark to identify Plaintiff's incense
28 products since 2000.

43. Plaintiff began expanding its JUICY line of products in 2009 to include products for the emerging vaporizer/e-cigarette market.

44. Plaintiff has used the JUICY® mark to identify Plaintiff's liquid chemical flavorings for loose tobacco, legal smoking herbs, cigars, pipes, e-cigarettes (aka "e-sticks") and e-cigarette liquid (aka "e-liquid") since January 2009, when Plaintiff introduced its JUICY DROPS products.

45. Plaintiff sold its liquid flavoring products under the JUICY DROPS name before Defendant engaged in its improper acts, as described below.

46. The JUICY FLAVORNATOR liquid products are used to flavor loose cigar or pipe tobacco, legal smoking herbs, cigars, pipes, vaporizers and e-cigarette liquid.

47. Plaintiff first used the JUICY® mark to identify Plaintiff's electronic smoking device in August 2013, when Plaintiff introduced its JUICY JUICIFIER portable vapor pen.

Plaintiff's Trademark Registrations and Application

48. The U.S. Patent and Trademark Office ("USPTO") issued USPTO Reg. No. 2,678,289 for the JUICY JAY'S® name as a trademark for "Tobacco and tobacco accessories, namely rolling papers, rolling machines, [cigarettes,] cigars, matches [pipes]" in Class 34, based on application filed March 22, 2002, and naming Plaintiff as the current owner of record. The registration was renewed and is incontestable as of January 22, 2008.

49. A copy of the registration certificate for USPTO Reg. No. 2,678,289 is attached as Appendix 1.

50. The USPTO issued USPTO Reg. No. 3,053,223 for the JUICY® name as a trademark for "Tobacco and tobacco accessories, namely rolling papers, rolling machines, cigarettes, cigars, pipes" in Class 34, based on application filed March 23, 2004 and naming Plaintiff as the current owner of record. The registration was renewed and incontestable as of February 4, 2011.

51. A copy of the registration certificate for USPTO Reg. No. 3,053,223 is attached as Appendix 2.

52. The USPTO issued USPTO Reg. No. 3,876,971 for the JUICY JAY'S® name as a trademark for "Tobacco and Herbal Smoke masking incense" in Class 03, based on application filed April 8, 2010 and naming Plaintiff as the current owner of record.

53. A copy of the registration certificate for USPTO Reg. No. 3,876,971 is attached as Appendix 3.

54. The USPTO issued USPTO Reg. No. 4,387,522 the JUICY name as a trademark for "Chemical flavorings for the preparation of tobacco, namely, cigarette tobacco, chewing tobacco and snuff; Chemical flavorings in liquid form used to refill electronic cigarette cartridges; Flavorings for tobacco" in Class 30, based on USPTO application Ser. No. 85-811,532, filed by Plaintiff on December 27, 2012, and based on Plaintiff's first use of the mark for those products in January 2009.

55. A copy of the registration certificate for USPTO Reg. No. 4,387,522 is attached as Appendix 4.

56. Plaintiff is seeking USPTO registration of the JUICY name as trademark for "Electric vaporizers" in Class 11, through USPTO application Ser. No. 85-811,458 filed by Plaintiff on December 27, 2012, and based on Plaintiff's intent to use the name as a mark for that product.

57. Plaintiff filed on August 6, 2013, a Statement of Use for Plaintiff's USPTO trademark application, Serial No. 85-811,458.

Plaintiff's JUICY Trade Dress

58. Plaintiff displays its JUICY JAY'S and JUICY DROPS marks on Plaintiff's product packaging in a stylized font that is combined with color and design elements (referred to below as the "Plaintiff's JUICY Trade Dress").

59. Representative images of Plaintiff's JUICY Trade Dress are shown below:



60. Plaintiff's JUICY Trade Dress includes the common elements of: large block letters for the word "juicy;" individual letters that are jumbled and twisted off center; the image of a large drop of liquid positioned so that the point of the drop suggests the "dot" on top of the letter "i;" and colors and images that represent the particular flavor of the JUICY product.

Plaintiff's JUICY JAY'S Domain Name

61. Plaintiff's Website is accessible at the following domain name: www.juicyjays.com ("Plaintiff's Domain Name").

62. Plaintiff first registered Plaintiff's Domain Name on March 22, 2002.

63. Plaintiff uses Plaintiff's Domain Name to sell Plaintiff's Products using Plaintiff's JUICY Marks.

64. Plaintiff's products using Plaintiff's JUICY Marks are sold on the Internet through third-party websites, such as the website accessible at the following domain name: www.rollingpaperdepot.com.

1 65. Plaintiff has continuously used the JUICY name as a mark in connection
2 with its JUICY line of products in various advertising and promotional materials since
3 1999.

4 66. Plaintiff uses Plaintiff's JUICY Marks and Plaintiff's JUICY Trade Dress
5 in various advertising and promotional materials for Plaintiff's products.

6 67. Plaintiff has spent significant sums of money and expended significant
7 efforts to promote its products using the Plaintiff's JUICY Marks and Plaintiff's JUICY
8 Trade Dress.

9 68. Plaintiff's promotional efforts include, for example, Internet advertising,
10 point of sale materials, sponsorships, contests, and attendance at trade shows.

11 69. Plaintiff's JUICY Marks and Plaintiff's JUICY Trade Dress are
12 prominently featured in advertisements and promotions for Plaintiff's JUICY branded
13 products.

14 70. As a result of Plaintiff's substantial use and promotion of Plaintiff's
15 JUICY Marks and Plaintiff's Trade Dress, the marks have acquired great value as
16 identifiers of Plaintiff's products, and serve to distinguish Plaintiff's JUICY line of
17 products from those of its competitors. Customers in this Judicial District and
18 elsewhere readily recognize Plaintiff's JUICY Marks and Plaintiff's Trade Dress as
19 distinctive designations of the origin of Plaintiff's JUICY line of products. The JUICY
20 Marks and Plaintiff's JUICY Trade Dress are assets of significant value as a symbol of
21 Plaintiff and its quality products and goodwill.

22 **Defendants' Electronic Smoking Products**

23 71. Upon information and belief, Defendants sell electronic smoking devices
24 and/or liquids used in electronic smoking devices.

25 **Electronic Smoking Devices**

26 72. An electronic smoking device heats a liquid solution to create a vapor that
27 can be inhaled by users of the device.

28 73. An electronic smoking device can simulate the act of tobacco smoking.

74. Electronic smoking devices are promoted as a safer alternative to traditional cigarettes.

75. Defendant Alberta, Inc. sells, or has sold, electronic smoking devices.

76. Defendant Nikki's Vapor Bar USA, Inc. sells, or has sold, electronic smoking devices.

77. Upon information and belief, Defendant Vapour, Ltd. sells, or has sold, electronic smoking devices.

78. Upon information and belief, Defendant OTC Productions, Inc. sells, or has sold, electronic smoking devices.

79. Upon information and belief, Defendant Best Product Technology, Ltd. sells, or has sold, electronic smoking devices.

E-Sticks

80. Electronic smoking devices are, have been and can be known by any one of the following names, among others: “personal vaporizers;” “electronic cigarettes;” “e-cigarettes;” and “e-sticks.”

81. An e-stick is an electronic smoking device that consists of an atomizer and a battery.

82. An e-stick uses the atomizer to vaporize the liquid inhaled by users.

83. An e-stick replicates a traditional cigarette.

84. Using an e-stick involves the same physical sensation as well as the appearance of exhaling smoke from a traditional cigarette.

85. Defendant Alberta, Inc. sells, or has sold, e-sticks.

86. Defendant Nikki's Vapor Bar USA, Inc. sells, or has sold, e-sticks.

87. Upon information and belief, Defendant Vapour, Ltd. sells, or has sold, e-sticks.

88. Upon information and belief, Defendant OTC Productions, Inc. sells, or has sold, e-sticks.

89. Upon information and belief, Defendant Best Product Technology, Ltd. sells, or has sold, e-sticks.

E-Liquids

90. The liquid used for producing vapor in an electronic smoking device is known, has been known, and can be known by any one of the following names, among others: “e-liquid” or “e-juice” or “vapor juice.”

91. The liquid used for producing vapor in an electronic smoking device is (or can be) infused with nicotine or can be without nicotine.

92. The liquid used for producing vapor in an electronic smoking device is (or can be) infused or combined with a flavoring or combination of flavorings.

93. An e-liquid becomes the vapor that is exhaled and that mimics traditional tobacco smoke.

94. An e-liquid uses base ingredients that can consist of PG (Propylene Glycol) and VG (Vegetable Glycerin) or both. The PG and VG can be combined with natural or artificial flavors such as cherry or espresso.

95. Defendant Alberta, Inc. manufactures the e-liquid used in electronic cigarettes.

96. Defendant Alberta, Inc. sells the e-liquids used in electronic smoking devices.

97. Defendant Nikki's Vapor Bar USA, Inc. sells liquids used in electronic smoking devices.

98. Upon information and belief, Defendant Vapour, Ltd. sells, or has sold, e-liquids used in electronic smoking devices.

99. Upon information and belief, Defendant OTC Productions, Inc. sells, or has sold, the e-liquids used in electronic smoking devices.

100. Upon information and belief, Defendant Best Product Technology, Ltd. sells, or has sold, the e-liquids used in electronic smoking devices.

The JUICY EJUCE and JUICY ESHISHA Domain Names

101. Defendant Vapour Ltd. registered, on March 12, 2012, the following domain name: www.juicyejuce.com (the “JUICY EJUCE Domain Name”).

102. Defendant Vapour, Ltd. is the registered owner of the JUICY EJUCE Domain Name.

103. Defendant Vapour, Ltd. registered on December 21, 2012, the following domain name: www.juicyeshisha.com.

104. Defendant Vapour, Ltd. is the registered owner of the www.juicyeshisha.com domain name.

105. Defendant Vapour, Ltd. registered on December 21, 2012, the following domain name: www.juicyeshisha.net.

106. Defendant Vapour, Ltd. is the registered owner of the domain name: www.juicyeshisha.net.

107. Defendant Vapour, Ltd. registered on December 21, 2012, the following domain name: www.juicyeshisha.org.

108. Defendant Vapour, Ltd. is the registered owner of the domain name: www.juicyeshisha.org.

109. The following domain names shall be referred to collectively as the JUICY ESHISHA Domain Names: www.juicyeshisha.com; www.juicyeshisha.net; and www.juicyeshisha.org.

The JUICY EJUCE Website

110. The JUICY EJUCE Domain Name provides access to an Internet Website (the “JUICY EJUCE Website”).

111. The JUICY EJUCE Website offers for sale, and/or sells, e-liquids.

112. The JUICY EJUCE Website offers for sale, and/or sells, e-sticks.

113. The JUICY EJUCE Website provides a retail and ecommerce platform for Defendant Alberta, Inc. to sell e-liquid and e-sticks.

114. The JUICY EJUCE Website states that the operators of the website “have an array of different flavors, some contain nicotine and some are nicotine free.”

115. The JUICY EJUCE Website also states that: “The vapor produced...is the smoke-like substance that is exhaled when smoking a *[sic]* Electronic Cigarette.”

The JUICY SHOP Design Mark

116. The JUICY EJUCE Website displays a design incorporating the name JUICY SHOP (the “JUICY SHOP Design Mark”).

117. The JUICY SHOP Design Mark is displayed on the JUICY EJUCE Website pages promoting the sale of e-liquids.

118. The JUICY SHOP Design Mark is displayed on the JUICY EJUCE Website pages promoting the sale of e-sticks.

119. A true and correct copy of a JUICY EJUCE Website page, displaying the JUICY SHOP Design Mark, is attached as Appendix 5.

The JUICY EJUCE Word Mark

120. Defendant Vapour Ltd is making, using, promoting, advertising, distributing, selling, and/or offering to sell e-liquid products using the name JUICY EJUCE (the “JUICY EJUCE Word Mark”).

121. Defendant OTC Productions, Inc. is making, using, promoting, advertising, distributing, selling, and/or offering to sell e-liquid products using the JUICY EJUCE Word Mark.

122. Defendant Alberta, Inc. is making, using, promoting, advertising, distributing, selling, and/or offering to sell e-liquid products using the JUICY EJUCE Word Mark.

123. Defendant Nikki’s Vapor Bar USA, Inc. is making, using, promoting, advertising, distributing, selling, and/or offering to sell e-liquid products using the JUICY EJUCE Word Mark.

124. The JUICY EJUCE Website sells e-liquids identified by the JUICY EJUCE Word Mark.

125. A true and correct copy of a page from the JUICY EJUCE Website is attached as Appendix 6.

126. Upon information and belief, Defendant Alberta, Inc. identifies liquids used in smoking devices by the name the JUICY EJUCE Word Mark.

127. Upon information and belief, Defendant Alberta, Inc. claims it uses, or has used, the JUICY EJUCE Word Mark under license

128. Upon information and belief, Defendant Alberta, Inc. claims it uses, or has used, the JUICY EJUCE Word Mark under license from one or more of the other Defendants.

129. The www.nikkisvaporbar.com domain name is registered by Defendant Vapour, Ltd.

130. Defendant Vapour, Ltd. registered the www.nikkisvaporbar.com domain name on April 13, 2013.

131. Defendant Nikki's Vapor Bar USA, Inc. operates a website, accessible at the domain name: www.nikkisvaporbar.com (the "Nikki's Vapor Bar Website").

132. The Nikki's Vapor Bar Website uses the JUICY EJUCE Word Mark.

133. The Nikki's Vapor Bar Website is, or has been, using the JUICY EJUCE Word Mark to identify liquids used in electronic smoking devices.

134. A true and correct copy of a page from the Nikki's Vapor Bar Website is attached as Appendix 7.

The JUICY EJUCE Trademark Application

135. Defendant OTC Productions, Inc. filed with the USPTO, on January 31, 2013, an application (Serial Number 85/833,362) for registration of the JUICY EJUCE name as a trademark for: "Chemical flavorings in liquid form used to refill electronic cigarette cartridges" (the "JUICY EJUCE Trademark Application").

136. The JUICY EJUCE Trademark Application states that Defendant OTC Productions, Inc. first used the JUICY EJUCE name anywhere and in U.S. interstate

1 commerce as a mark for the goods described in the JUICY EJUCE Trademark
2 Application in 2012.

3 137. As of May 17, 2013, the USPTO issued the following report on the status
4 of the JUICY EJUCE Trademark Application: “A non-final Office action has been sent
5 (issued) to the applicant.”

6 **The JUICY SMOKE Word Mark**

7 138. Defendant Best Product Technology, Ltd. filed with the USPTO on June
8 26, 2013, an application (Serial Number 85/970,043) for registration of the JUICY
9 SMOKE name as a trademark for “cartridges sold filled with propylene glycol for
10 electronic cigarettes” and “cartridges sold filled with chemical flavorings in liquid form
11 for electronic cigarettes” and “electronic cigarettes for use as an alternative to traditional
12 cigarettes (the “JUICY SMOKE Word Mark”).”

13 139. Defendant Best Product Technology, Ltd. intends to use the JUICY
14 SMOKE Word Mark to identify electronic cigarettes.

15 140. Defendant Best Product Technology, Ltd. intends to use the JUICY
16 SMOKE Word Mark to identify products containing flavorings for electronic cigarettes.

17 141. Defendant Best Product Technology, Ltd. intends to use the JUICY
18 SMOKE Word Mark to identify products containing e-liquid.

19 **The JUICY ESTICK Word Mark**

20 142. The JUICY EJUCE Website offers for sale, and sells, electronic smoking
21 devices.

22 143. The JUICY EJUCE Website sells electronic smoking devices known as
23 e-sticks and/or electronic cigarettes.

24 144. The JUICY EJUCE Website sells electronic smoking devices identified
25 by the name JUICY! ESTICK (the JUICY ESTICK Word Mark).

26 145. A true and correct copy of a web page, showing the use of the JUICY
27 ESTICK Word Mark is attached as Appendix 8.
28

1 146. Upon information and belief, Defendant Alberta, Inc. identifies electronic
2 smoking devices it sells by the JUICY ESTICK Word Mark.

3 147. Upon information and belief, Defendant Alberta, Inc. claims it uses, or
4 has used, the JUICY ESTICK Word Mark under a license

5 148. Upon information and belief, Defendant Alberta, Inc. claims it uses, or
6 has used, the JUICY ESTICK Word Mark under a license from one or more of the other
7 Defendants.

8 **The JUICY EJUCE Trade Dress and JUICE EJUCE Design Mark**

9 149. Defendants display, or have displayed, the JUICY EJUCE Word Mark on
10 product packaging in a stylized font that is combined with color and design elements
11 (referred to hereafter as the “JUICY EJUCE Trade Dress”).

12 150. The JUICY EJUCE Trade Dress uses, or has used: large block letters for
13 the word “juicy” that are jumbled and twisted off center; a drop of liquid for the “dot”
14 on the letter “i;” and colors and images that represent the particular flavor of the
15 product.

16 151. Representative images of the JUICY EJUCE Trade Dress are set forth
17 below:



152. The JUICY EJUCE Trade Dress imitates and Plaintiff's JUICY Trade Dress.

153. A photo showing, in part, product packaging showing the JUICE EJUCE Trade Dress is attached as Appendix 9.

154. The JUICY EJUCE Website displays, or has displayed, the JUICY EJUCE Word Mark in a design using a stylized font that is combined with color and representation of images (the “JUICY EJUCE Design Mark”).

155. The JUICE EJUCE Design Mark uses: large letters for the word “juicy” in yellow; smaller letters for the word “ejuce” in white; and colored images that represent the flavor of the product.

156. A true and correct copy of a JUICY EJUCE Website page, showing the JUICY EJUCE Design Mark, is attached as Appendix 10.

157. Defendant Nikki’s Vapor Bar USA, Inc. uses, or has used, the JUICY EJUCE Design Mark in e-mail messages.

158. Defendant Nikki’s Vapor Bar USA, Inc. uses, or has used, the JUICY EJUCE Design Mark in e-mail message promoting the sale of e-liquids.

159. A true and correct copy of an e-mail solicitation from Nikki’s Vapor Bar USA, Inc., showing the use of the JUICY EJUCE Design Mark, is attached as Appendix 11.

Defendants’ Various JUICY Marks and JUICY EJUCE Trade Dress, JUICE EJUCE Design Mark, JUICY EJUCE Domain Name, and JUICY ESHISHA Domain Names

160. Upon information and belief, Defendants have used, and are using, the JUICY SHOP Design Mark, the JUICY EJUCE Word Mark, the JUICY SMOKE Word Mark, the JUICY ESTICK Word Mark, the JUICY EJUCE Trade Dress, the JUICY EJUCE Domain Name, the JUICY ESHISHA Domain Names, and the JUICY EJUCE Design Mark to trade upon the goodwill and substantial recognition associated with Plaintiff’s JUICY Marks.

161. Upon information and belief, Defendants are using the JUICY SHOP Design Mark, the JUICY EJUCE Word Mark, the JUICY SMOKE Word Mark, the JUICE ESTICK Word Mark, the JUICY EJUCE Trade Dress, the JUICY EJUCE Domain Name, the JUICY ESHISHA Domain Names, and the JUICY EJUCE Design

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1 Mark to associate themselves with Plaintiff or otherwise trade upon Plaintiff's
2 reputation.

3 162. Upon information and belief, Defendants' use of the JUICY SHOP Word
4 Mark, the JUICY EJUICE Word Mark, the JUICE SMOKE Word Mark, the JUICE E-
5 STICK Word Mark, the JUICY EJUICE Trade Dress, the JUICY EJUICE Domain
6 Name, the JUICY ESHISHA Domain Names, and the JUICY EJUICE Design Mark is
7 intended to cause confusion, mistake, or deception.

8 163. Upon information and belief, Defendants intend to cause consumers and
9 potential customers to believe that Defendant's products are associated with Plaintiff's
10 JUICY Marks when, in fact, Defendants' products are not.

11 164. Defendants' use of the JUICY SHOP Word Mark, the JUICY EJUICE
12 Word Mark, the JUICE SMOKE Word Mark, the JUICE E-STICK Word Mark, the
13 JUICY EJUICE Trade Dress, the JUICY EJUICE Domain Name, the JUICY ESHISHA
14 Domain Names, and the JUICY EJUICE Design Mark has caused others to believe that
15 Defendants' products are assorted Plaintiff and/or Plaintiff's JUICY Marks when, in
16 fact, Defendants' products are not.

17 165. By virtue of the acts outlined herein, Defendants have created a likelihood
18 of injury to Plaintiff's business reputation, caused both actual confusion and the strong
19 likelihood of consumer confusion as to the source of origin and of the relationship of
20 Plaintiff's and Defendants' goods, and have otherwise competed unfairly with Plaintiff.

21 166. Upon information and belief, Defendants' acts outlined herein are willful
22 and deliberate.

23 167. Defendants' acts outlined herein have caused damage to Plaintiff in an
24 amount to be determined at trial, and such damages will continue to increase unless and
25 until Defendants are enjoined from its wrongful conduct.

26 168. Defendants' acts outlined herein have caused Plaintiff to suffer irreparable
27 injury to its business. Plaintiff will suffer a substantial loss of goodwill and reputation
28

1 unless and until Defendants are preliminarily and permanently enjoined from the
2 wrongful actions outlined herein.

3 **First Cause of Action**

4 **(Trademark Infringement and False Designation of Origin)**

5 **(15 U.S.C. § 1125(a))**

6 169. Plaintiff realleges and incorporates by reference the above paragraphs of
7 this Complaint as though fully set forth herein.

8 170. This is an action for trademark infringement and false designation of
9 origin arising under 15 U.S.C. § 1125(a).

10 171. Defendants created a false designation of origin by using in commerce,
11 without Plaintiff's permission, marks confusingly similar to Plaintiff's marks and trade
12 dress in connection with the advertisement, offering for sale, and sale of Defendants'
13 products.

14 172. Upon information and belief, Defendants did so with the intent to compete
15 against Plaintiff, to trade upon Plaintiff's reputation and goodwill by causing consumer
16 confusion and mistake, and to deceive the public into believing that Defendants'
17 products are associated with, sponsored by, or approved by Plaintiff, when they are not.

18 173. Plaintiff's JUICY Marks are inherently distinctive and/or have acquired
19 substantial secondary meaning in the marketplace.

20 174. Defendants' products sold with the Defendants' Word Mark are
21 confusingly similar to Plaintiff's JUICY line of products.

22 175. Defendants have infringed upon Plaintiff's JUICY Word Marks and
23 created a false designation of origin by manufacturing, distributing, selling, and
24 promoting in commerce, without Plaintiff's permission, products identified by the
25 JUICY SHOP Design Mark, the JUICY EJUICE Word Mark, the JUICY SMOKE
26 Word Mark, the JUICY ESTICK Word Mark, and the JUICY EJUICE Design Mark
27 and using the JUICY EJUICE Domain Name, and the JUICY ESHISHA Domain
28 Names.

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176. Upon information and belief, Defendants did so with the intent to compete against Plaintiff, to trade upon Plaintiff's reputation and goodwill by causing consumer confusion and mistake, and to deceive the public into believing that Defendants' products are associated with, sponsored by, or approved by Plaintiff, when they are not.

177. Upon information and belief, Defendants had actual knowledge of Plaintiff's ownership and prior use of Plaintiff's JUICY Marks, and without Plaintiff's consent, has willfully violated 15 U.S.C. § 1125(a).

178. Defendants' aforementioned acts have irreparably injured Plaintiff and damaged Plaintiff in an amount to be determined at trial. Such irreparable injury will continue unless and until Defendants are preliminarily and permanently enjoined by this Court from further violation of Plaintiff's rights, for which Plaintiff has no adequate remedy at law.

Second Cause of Action

(Trade Dress Infringement and False Designation of Origin)

(15 U.S.C. § 1125(a))

179. Plaintiff realleges and incorporates by reference the above paragraphs of this Complaint as though fully set forth herein.

180. This is an action for trade dress infringement and false designation of origin arising under 15 U.S.C. § 1125(a).

181. Defendants created a false designation of origin by using in commerce, without Plaintiff's permission, marks confusingly similar to Plaintiff's JUICY Trade Dress in connection with the advertisement, offering for sale, and sale of Defendants' E-juice Products. Upon information and belief, Defendants did so with the intent to compete against Plaintiff, to trade upon Plaintiff's reputation and goodwill by causing consumer confusion and mistake, and to deceive the public into believing that Defendants' products are associated with, sponsored by, or approved by Plaintiff, when they are not.

182. Plaintiff's JUICY Trade Dress is used in commerce, is non-functional, and

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1 is inherently distinctive, or has acquired substantial secondary meaning in the
2 marketplace.

3 183. The packaging of JUICY EJUCE products is confusingly similar to
4 Plaintiff's JUICY Trade Dress. Defendants have infringed upon Plaintiff's JUICY
5 Trade Dress and created a false designation of origin by manufacturing, distributing,
6 selling, and promoting in commerce, without Plaintiff's permission, their Juicy eJuice
7 products. Upon information and belief, Defendants did so with the intent to compete
8 against Plaintiff, to trade upon Plaintiff's reputation and goodwill by causing consumer
9 confusion and mistake, and to deceive the public into believing that Defendants'
10 products are associated with, sponsored by, or approved by Plaintiff, when they are not.

11 184. Upon information and belief, Defendants had actual knowledge of
12 Plaintiff's ownership and prior use of Plaintiff's JUICY Trade Dress and without
13 Plaintiff's consent, have willfully violated 15 U.S.C. § 1125(a).

14 185. Defendants' aforementioned acts have irreparably injured Plaintiff and
15 damaged Plaintiff in an amount to be determined at trial. Such irreparable injury will
16 continue unless and until Defendants are preliminarily and permanently enjoined by this
17 Court from further violation of Plaintiff's rights, for which Plaintiff has no adequate
18 remedy at law.

19 **Third Cause of Action**

20 **(Federal Trademark Infringement)**

21 **(15 U.S.C. § 1114)**

22 186. Plaintiff realleges and incorporates by reference all allegations contained
23 in this Complaint as though fully set forth herein.

24 187. Defendants' acts have caused, or are likely to cause, confusion, mistake or
25 deception and the public is likely to believe mistakenly that Defendants' products and
26 the JUICY SHOP Design Mark, the JUICY EJUCE Word Mark, JUICY SMOKE
27 Word Mark, the JUICY ESTICK Word Mark, the JUICY EJUCE Domain Name, the
28 JUICY ESHISHA Domain Names, and/or the JUICY EJUCE Design Mark have their

1 source or origin with Plaintiff or are in some manner approved by, associated with,
 2 sponsored by or connected with Plaintiff, all in violation of 15 U.S.C. §§ 1114 et. seq.

3 188. Upon information and belief, Defendants' actions were undertaken
 4 willfully and with the intent to confuse and deceive the public.

5 189. Defendants' acts have damaged, or may damage, Plaintiff's business,
 6 reputation and goodwill and have interfered, or may interfere, with Plaintiff's use of its
 7 own marks.

8 190. Defendants have caused, and unless enjoined, will cause irreparable harm
 9 and injury to Plaintiff for which there is no adequate remedy at law.

10 191. Defendants should be, upon final hearing, permanently enjoined from
 11 using the JUICY SHOP Design Mark, the JUICY EJUICE Word Mark, the JUICY
 12 SMOKE Word Mark, the JUICY ESTICK Word Mark, the JUICY EJUICE Domain
 13 Name, the JUICY ESHISHA Domain Names, and/or the JUICY EJUICE Design Mark
 14 pursuant to 15 U.S.C. § 1116.

15 192. Plaintiff is entitled, under 15 U.S.C. § 1117, to recover from Defendants:
 16 (i) Defendants' profits in selling Defendants' products using the JUICY EJUICE Word
 17 Mark, the JUICY SMOKE Word Mark, the JUICY ESTICK Mark, the JUICE EJUICE
 18 Design Mark, the JUICY EJUICE Domain Name; and the JUICY ESHISHA Domain
 19 Names, (ii) actual damages, including, but not limited to, Plaintiff's added advertising
 20 costs necessitated by Defendant's sale of Defendant's products using the JUICY
 21 EJUICE Word Mark, the JUICY SMOKE Word Mark and/or the JUICY EJUICE
 22 Domain Name, (iii) the costs of this action, and (iv) exceptional damages for intentional
 23 infringement, bad faith and willful conduct, equal to three times profits or damages,
 24 whichever is greater, and (v) attorneys' fees.

25 193. Furthermore, Plaintiff seeks an order from this Court under 15 U.S.C. §
 26 1118 compelling Defendants to destroy all materials bearing, the JUICY SHOP Word
 27 Mark, the JUICY EJUICE Word Mark, the JUICY SMOKE Word Mark, the JUICY
 28 ESTICK Mark, the JUICE EJUICE Design Mark, the JUICY EJUICE Domain Name,

1 and/or the JUICY ESHISHA Domain Names, and transfer registration and ownership of
 2 the JUICY EJUCE Domain Name and the JUICY ESHISHA Domain Names to
 3 Plaintiff and to withdraw the pending JUICY EJUCE Application for USPTO
 4 registration of the JUICY EJUCE Word Mark.

5 **Fourth Cause of Action**

6 **(Anti-Cybersquatting Consumer Protection)**

7 **(15 U.S.C. § 1125(a))**

8 194. Plaintiff realleges and incorporates by reference all allegations contained
 9 in the above paragraph of this Complaint as though fully set forth herein.

10 195. Plaintiff's JUICY Marks were distinctive at the time of Defendant's
 11 Vapour, Ltd. registration and use of the JUICY EJUCE Domain Name and the JUICY
 12 ESHISHA Domain Names.

13 196. Plaintiff's JUICY Marks were distinctive at the time of Defendants' use of
 14 the JUICY EJUCE Domain and the JUICY ESHISHA Domain Names.

15 197. The JUICY EJUCE Domain Name and JUICY ESHISHA Domain
 16 Names are confusingly similar to, or dilutive of, the Plaintiff's JUICY Marks.

17 198. Upon information and belief, Defendant Vapour, Ltd registered and/or has
 18 used the JUICY EJUCE Domain Name and the JUICY ESHISHA Domain Names with
 19 bad faith intent to profit from the Plaintiff's JUICY Marks.

20 199. Upon information and belief, Defendants have used the JUICY EJUCE
 21 Domain Name and the JUICY ESHISHA Domain Names with bad faith intent to profit
 22 from the Plaintiff's JUICY Marks.

23 200. Defendant Vapour, Ltd.'s registration and/or use of the JUICY EJUCE
 24 Domain Name and the JUICY ESHISHA Domain Names violates § 43(d) of the
 25 Lanham Act, 15 U.S.C. § 1125(d).

26 201. Defendants' use of the JUICY EJUCE Domain Name and the JUICY
 27 ESHISHA Domain Names violates § 43(d) of the Lanham Act, 15 U.S.C. § 1125(d).

28 202. Unless restrained and enjoined by this court, Defendants will persist in the

activities, causing irreparable harm and injury to Plaintiff for which there is no adequate remedy at law.

203. Defendants should be, upon final hearing, permanently enjoined from registering and/or using the JUICY EJUCE Domain Name and the JUICY ESHISHA Domain Names, pursuant to 15 U.S.C. § 1116.

204. Plaintiff is entitled, under 15 U.S.C. § 1117, to recover from Defendants: (i) Defendants' profits in selling products using the JUICY EJUCE Domain Name; (ii) Plaintiff's statutory or actual damages, including, but not limited to Plaintiff's added advertising costs necessitated by Defendants' sale of products using the JUICY EJUCE Domain Name, (iii) the costs of this action, and (iv) exceptional damages for intentional infringement, bad faith and willful conduct, equal to three times profits or damages, whichever is greater, and (v) attorneys' fees.

205. Furthermore, Plaintiff seeks an order from this Court under 15 U.S.C. § 1118 compelling Defendants to destroy all materials bearing the JUICY EJUCE Word Mark, the JUICY SMOKE Word Mark, the JUICY EJUCE Domain Name, and/or the JUICY ESHISHA Domain Names and transfer registration and ownership of the JUICY EJUCE Domain Name to Plaintiff and to withdraw Defendant's pending application for USPTO registration of the JUICY EJUCE Word Mark.

Fifth Cause of Action

(State Common Law Infringement of Trademarks)

206. Plaintiff realleges and incorporates by reference all allegations contained in the above paragraphs of this Complaint, as though fully set forth herein.

207. This cause of action for infringement arises under the common law of the State of Arizona.

208. Defendants' use of the JUICY SHOP Design Mark, the JUICY EJUCE Word Mark, the JUICY SMOKE Word Mark, the JUICY ESTICK Mark, the JUICY EJUCE Design Mark, the JUICY EJUCE Domain Name, and JUICY ESHISHA Domain Names are likely to cause confusion, mistake or deception as to source, origin,

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1 sponsorship or approval of products and constitutes infringement of Plaintiff's JUICY
 2 Marks under the common law of the State of Arizona.

3 209. By its actions, Defendants have infringed Plaintiff's JUICY Marks
 4 deliberately and with the intention of wrongfully trading on the goodwill and reputation
 5 symbolized by Plaintiff's JUICY Marks.

6 210. Plaintiff is entitled to recover an amount equivalent to the amount of
 7 profits that Defendants has derived and may continue to derive as a result of his
 8 unlawful misappropriation and infringement of Plaintiff's JUICY Marks.

9 211. Defendants' conduct as described above has been willful, deliberate,
 10 malicious, and intended to injure Plaintiff. Therefore, Plaintiff is also entitled to recover
 11 exemplary damages from Defendants to punish Defendants and to deter Defendants and
 12 others similarly situated from engaging in similar wrongful conduct in the future.

13 212. Defendant should also be, upon final hearing, permanently enjoined from
 14 using the JUICY SHOP Design Mark, the JUICY EJUCE Word Mark, the JUICY
 15 SMOKE Word Mark, the JUICY ESTICK Mark, the JUICY EJUCE Design Mark, the
 16 JUICY EJUCE Domain Name, and the JUICY ESHISHA Domain Names.

17 **Sixth Cause of Action**

18 **(Unfair Competition under Arizona Common Law)**

19 213. Plaintiff realleges and incorporates by reference the above paragraphs of
 20 this Complaint as though fully set forth herein.

21 214. This is an action for common law unfair competition arising under the
 22 common law of the State of Arizona.

23 215. By virtue of the acts outlined herein, Defendants have intentionally caused
 24 a likelihood of confusion among the public and has unfairly competed with Plaintiff in
 25 violation of the common law of the State of Arizona.

26 216. Defendants' willful acts of unfair competition have caused damage and
 27 irreparable injury to Plaintiff in an amount to be determined at trial.

28 217. Defendants' willful acts of unfair competition under Arizona common law

1 constitute fraud, oppression, and malice. Accordingly, Plaintiff is entitled to exemplary
2 damages.

3 **Prayer for Relief**

4 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

5 A. That the Court enter judgment in favor of Plaintiff and against Defendants
6 on all causes of action alleged herein;

7 B. That the Court enter judgment that Defendants have willfully violated the
8 provisions of 15 U.S.C. § 1114 et seq. by infringing Plaintiff's JUICY Marks registered
9 with the USPTO.

10 C. That the Court enter judgment that Defendants have willfully violated the
11 provisions of 15 U.S.C. §1125(a) by infringing upon Plaintiff's JUICY Marks and
12 JUICY Trade Dress through the marketing, sale, and promotion of products bearing the
13 Infringing Mark;

14 D. That Defendants be adjudged to have violated the provisions of 15 U.S.C.
15 § 1125(d) by registering and using the JUICY EJUCE Domain Name and the JUICY
16 ESHISHA Domain Names in bad faith.

17 E. That Defendants be adjudged to have infringed Plaintiff's JUICY Marks
18 under the common law of the State of Arizona.

19 F. That Defendants be adjudged to have unfairly competed with Plaintiff
20 under the common law of the State of Arizona;

21 G. That Defendants, its agents, servants, employees, attorneys, successors,
22 and assigns, and all other persons in active concert or participation with any of them
23 who receive actual notice of the injunction by personal service or otherwise, be
24 forthwith preliminarily and permanently enjoined from:

- 25 1. Using the JUICY SHOP Design Mark, the JUICY EJUCE Word
- 26 Mark, the JUICY SMOKE Word Mark, the JUICE EJUCE Design
- 27 Mark, the JUICY ESTICK Word Mark, the JUICY EJUCE Trade
- 28 Dress, the JUICY EJUCE Domain Names, and the JUICY

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ESHISHA Domain Names in connection with Defendants' goods, in advertising or promoting Defendants' goods, and/or using confusingly similar variations of Plaintiff's JUICY Marks and Plaintiff's JUICY Trade Dress in any manner that is likely to create the impression that Defendants' goods originate from Plaintiff, are endorsed by Plaintiff, or are in any way connected to Plaintiff;

2. Otherwise infringing upon Plaintiff's JUICY Marks and Plaintiff's JUICY Trade Dress;
3. Unfairly competing with Plaintiff in any manner whatsoever;
4. Causing a likelihood of confusion or injury to Plaintiff's business reputation; and
5. Seeking USPTO registration of the JUICY SHOP Design Mark, the JUICY EJUCE Word Mark, the JUICY SMOKE Word Mark, the JUICY ESTICK Word Mark, the JUICY EJUCE Design Mark, the JUICY EJUCE Trade Dress, the JUICY EJUCE Domain Name, and/or the JUICY ESHISHA Domain Names.

H. That Defendants be directed to file with this Court and serve upon Plaintiff within thirty (30) days after the service of the injunction, a report, in writing, under oath, and setting forth in detail the manner and form in which Defendant has complied with the injunction pursuant to 15 U.S.C. § 1116;

I. That Defendants be required to account to Plaintiff for any and all profits derived by Defendants' use of the JUICY SHOP Design Mark, the JUICY EJUCE Word Mark, the JUICY SMOKE Word Mark, the JUICY ESTICK Word Mark, the JUICY EJUCE Design Mark, the JUICY EJUCE Trade Dress, the JUICY EJUCE Domain Name, the JUICY ESHISHA Domain Names, and all damages sustained by Plaintiff by virtue of Defendants' acts outlined herein;

J. That Defendants be ordered to pay over to statutory damages, pursuant to 15 U.S.C. § 1117 (d), for their use and registration of the JUICY EJUCE Domain

1 Name, and the JUICY ESHISHA Domain Names;

2 K. That Defendants be ordered to pay over to Plaintiff damages for Plaintiff's
3 corrective advertising, necessitated by Defendants' use of the JUICY SHOP Design
4 Mark, the JUICY EJUCE Word Mark, the JUICY SMOKE Word Mark, the JUICY
5 ESTICK Word Mark, the JUICY EJUCE Design Mark, the JUICY EJUCE Trade
6 Dress, the JUICY EJUCE Domain Name, and the JUICY ESHISHA Domain Names;

7 L. That Plaintiff be awarded treble damages pursuant to 15 U.S.C. § 1117;

8 M. That Plaintiff be awarded exemplary damages from Defendants;

9 N. That an award of reasonable costs, expenses, and attorneys' fees be
10 awarded to Plaintiff;

11 O. That Defendants be required to deliver and destroy all devices, literature,
12 advertising, goods, and other materials bearing the JUICY SHOP Design Mark, the
13 JUICY EJUCE Word Mark, the JUICY SMOKE Word Mark, the JUICY ESTICK
14 Word Mark, the JUICY EJUCE Design Mark, the JUICY EJUCE Trade Dress, the
15 JUICY EJUCE Domain Name, and the JUICY ESHISHA Domain Names pursuant to
16 15 U.S.C. § 1118; and

17 P. That Defendant Vapour, Ltd. be ordered to transfer to Plaintiff the
18 registration of the JUICY EJUCE Domain Name.

19 Q. That Plaintiff be awarded such other and further relief as this Court may
20 deem just.

21 **Jury Trial Demand**

22 Plaintiff demands a jury trial on all claims that support such a demand.

23
24 RESPECTFULLY SUBMITTED this ____ day of September, 2013.

25
26 GREENBERG TRAURIG, LLP

27
28 By: /s/
Frank G. Long

*Attorneys for Plaintiff BBK Tobacco &
Foods, LLP, d/b/a HBI International*

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CERTIFICATE OF SERVICE

☒ I hereby certify that on September ____, 2013, I electronically transmitted the attached document to the Clerk's Office using CM/ECF System for filing and distribution to the following registered participants of the CM/ECF System, who will also be served copies of the attached document by U.S. first class mail and electronic mail:

☐ I hereby certify that on _____, 2013, I will serve the attached document by electronic mail and First Class United States Mail on the following, who are not registered participants of the CM/ECF System:

By: /s/
Employee, Greenberg Traurig, LLP

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(602) 445-8000

APPENDIX 1

Int. Cl.: 34

Prior U.S. Cls.: 2, 8, 9 and 17

Reg. No. 2,678,289

United States Patent and Trademark Office

Registered Jan. 21, 2003

**TRADEMARK
PRINCIPAL REGISTER**

JUICY JAY'S

HERBAL BAR INDUSTRIES (ARIZONA COR-
PORATION)
2445 N 32 STREET
PHOENIX, AZ 85008

FIRST USE 6-6-1999; IN COMMERCE 6-6-1999.

OWNER OF U.S. REG. NO. 2,467,118.

FOR: TOBACCO AND TOBACCO ACCESSORIES,
NAMESLY ROLLING PAPERS, ROLLING MA-
CHINES, CIGARETTES, CIGARS, MATCHES, PIPES,
IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

SER. NO. 78-116,781, FILED 3-22-2002.

JOHN DWYER, EXAMINING ATTORNEY

APPENDIX 2

Int. Cl.: 34

Prior U.S. Cls.: 2, 8, 9 and 17

United States Patent and Trademark Office

Reg. No. 3,053,223

Registered Jan. 31, 2006

TRADEMARK
PRINCIPAL REGISTER

JUICY

BBK TOBACCO & FOODS INC (ARIZONA CORPORATION)
836 E UNIVERSITY DR #101
PHOENIX, AZ 85034

FOR: TOBACCO AND TOBACCO ACCESSORIES,
NAMESLY ROLLING PAPERS, ROLLING MACHINES,
CIGARETTES, CIGARS, PIPES, IN CLASS
34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 6-6-2001; IN COMMERCE 6-6-2001.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,678,289.

SER. NO. 78-389,220, FILED 3-23-2004.

CAROLYN GRAY, EXAMINING ATTORNEY

APPENDIX 3

United States of America

United States Patent and Trademark Office

JUICY JAY'S

Reg. No. 3,876,971

Registered Nov. 16, 2010

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

BBK TOBACCO & FOODS LLP (ARIZONA LIMITED LIABILITY PARTNERSHIP), DBA
HBI
3315 W BUCKEYE RD #4
PHOENIX, AZ 85009

FOR: TOBACCO AND HERBAL SMOKE MASKING INCENSE, IN CLASS 3 (U.S. CLS. 1, 4,
6, 50, 51 AND 52).

FIRST USE 6-29-2000; IN COMMERCE 6-29-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,678,289, 2,992,489, AND 3,053,223.

SER. NO. 85-009,891, FILED 4-8-2010.

DOMINIC FATHY, EXAMINING ATTORNEY



David S. Kyros

Director of the United States Patent and Trademark Office

APPENDIX 4

United States of America
United States Patent and Trademark Office

JUICY

Reg. No. 4,387,522

Registered Aug. 20, 2013

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

BBK TOBACCO & FOODS, LLP (ARIZONA LIMITED PARTNERSHIP)
3315 WEST BUCKEYE ROAD, #4
PHOENIX, AZ 85009

FOR: CHEMICAL FLAVORINGS FOR THE PREPARATION OF TOBACCO, NAMELY, CHEWING TOBACCO AND SNUFF; CHEMICAL FLAVORINGS IN LIQUID FORM USED TO REFILL ELECTRONIC CIGARETTE CARTRIDGES; FLAVORINGS FOR TOBACCO, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-22-2009; IN COMMERCE 1-22-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,678,289, 3,053,223, AND 3,876,971.

SER. NO. 85-811,532, FILED 12-27-2012.

LAURA KOVALSKY, EXAMINING ATTORNEY



Laura Sharet Kovalsky
Acting Director of the United States Patent and Trademark Office

APPENDIX 5



eJuice with Nicotine on SALE in Canada, USA, UK and More!
[Log In](#) | [Checkout](#) | [My Cart](#) | [My Wishlist](#) | [My Account](#)

BEST EUJICE

JUICY! EUJICE

AMSTERDAM E-LIQUID

ELECTRONIC CIGARETTES

JUICY! VARIETY PACKS

Home > JUICY! Variety Packs

MY CART

You have no items in your shopping cart.

POPULAR TAGS

Amsterdam Creamy Good
 Great Rich SWEET
 Smooth TASTY cherry
 delicious e-liquid flavour
 fresh fruity innovative
 juicy love nostalgic real
 tobacco

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Sign Up for Our Newsletter:
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PRODUCT'S REVIEWS



e-Liquid Variety Pack - Tobacco

Review by Keith

Rating: ★★★★★

New Customer.

Great option for new customers.
 Excellent variety at a fantastic
 price. Competitors usually offer
 only

MOST POPULAR



JUICY! EUJICE
 CRANBERRY E-
 LIQUID

\$9.99

\$8.99

WHOLESALE E-LIQUID

Contact Us For

Wholesale e-Liquid

Pricing

JUICY! Variety Packs

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JUICY! Variety Packs! Find your favorite flavor today!

3 Item(s)

Show 24 per page



E-LIQUID VARIETY PACK - FRUIT

e-Liquid Variety Pack - Fruit - Find your
 Favorite Flavors!

Regular Price: ~~\$49.00~~

Special Price: \$39.00

Add to Wishlist

Add to Compare

3 Item(s)

View as: Grid List



E-LIQUID VARIETY PACK - SWEET

e-Liquid Variety Pack - Sweet! All the
 best sweet flavors in 10 ml sizes.

Regular Price: ~~\$49.00~~

Special Price: \$39.00

Add to Wishlist

Add to Compare



E-LIQUID VARIETY PACK - TOBACCO

★★★★★ 1 Review(s)

5 Juicy Tobacco flavours, all in 10 ml
 sizes!

Regular Price: ~~\$49.00~~

Special Price: \$39.00

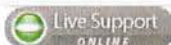
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APPENDIX 6

[JUICY! Guarantee](#)

[JUICY! Partner Programs](#)

[Wholesale](#)

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June 19, 2013



[BUY JUICY!](#)

[All JUICY! eJuice](#)

[JUICY! Wholesale](#)

[JUICY! eStick](#)

[JUICY! Instructions](#)

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About Juicy e Liquid

All Juicy eJuice eLiquid follows a custom Canadian recipe using a mixture of both **PG** and **VG** as our base liquids to deliver the smoothest and most flavorful vapor sensation available.

Juicy eJuice is handmade in **Canada** using only premium ingredients and delicious flavourings to create this highest quality premium e-Liquid.

e Liquid with Nicotine

Juicy eJuice is available with **nicotine** or without nicotine. Our e Liquid with **nicotine** comes in strengths of 8,12,18 and 24 while our e Liquid without nicotine is marked with a 0 (zero).

What Is Premium e-Liquid?

Regular e Liquid may contain any of the chemicals listed below and are widely considered harmful if inhaled.

Diacetyl: **Diacetyl** is used in many food products to create an artificial creamy, buttery flavour. Diacetyl can be harmful if inhaled.

Acetoin: **Acetoin** may react when mixed with other chemicals and may create traces of Diacetyl.

We do not use any flavoring ingredients containing Acetoin or Diacetyl in our eJuice.

Only The Highest Quality Food-Grade Flavoring

We select only the **highest quality food-grade flavouring ingredients** in our e Liquid sourced from trusted North American suppliers to ensure Juicy e-liquids deliver premium flavour and vapor with every puff.



Best e-Liquid Search

Search this website ... Search

Best e-Liquid Flavors

Almond And Amaretto Almond And Amaretto e-Liquid
 American Tobacco Banana Cream Pie Berry Berry
 Blueberry Blackberry Blast Black Cherry Black Cherry
 Tobacco Bold Black Cherry Butter Rum Tobacco
 Butterscotch Bliss **Canada** Canadian Maple
 Magic Canadian Menthol Tobacco Caramel Cuddles eLiquid

Chocolate Mint Magnifico Cranberry Champagne Celebration
 Craving Chocolate Hazelnut Creamy Dreamy Cappuccino
 Cuban Cigar Tobacco DK Tobacco e Juice **ejuice**
 eJuice Canada eliquid **e Liquid** e Liquid Canada
 Favorite French Vanilla French Vanilla eJuice French Vanilla
 e Liquid Full Flavour Tobacco Juicy Juicy Green Apple
 Magnificent Chocolate Mint **nicotine** One Great
 Grape Orange Cream Dream pina colada pleasure Ragin
 Raspberry Ragin Raspberry eliquid Strawberry Delight The
 Perfect Peach **UK USA** Watermelon Wowzers

eCigarette Forums

e-Liquid Reviews e-
Liquid Reviews

Electronic Cigarette
Canada Electronic
Cigarette Canada

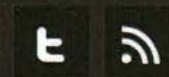
Wacked Out Canada
Canadian Electronic
Cigarette Forum

What Is e-Liquid?

What is E-Liquid? E- Liquid is the fluid that fuels the Electronic Cigarette. It is what provides the nicotine solution and the flavoring to your ... What Is e-Liquid?

Learn About JUICY!

All Juicy eJuice eLiquid follows a custom Canadian recipe using a mixture of both PG and VG as our base liquids to deliver the smoothest and most ... Learn More

Social JUICY!

Wholesale e-Liquid - Liquid Nicotine - Best e-Liquid - Nikki's Vapor Bar

APPENDIX 7



Premium eJuice and Electronic Cigarettes

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eStick

Tragically Misnamed, Not a Stick

The eStick is one of the best electronic cigarettes available today. The eStick is sleek, stylish and vapes at perfectly hot temperature. The eStick creates a massive and delicious-vapor with every puff. With only two parts, the eStick is simple and easy to use. Many electronic...

Read More

Home »

Nikki's Vapor Bar

Nikki's Vapor Bar is your one stop shop for all of your vaping needs. We're dedicated to providing high quality electronic cigarettes, personal vaporizers, and a large selection of premium USA and Canadian made e-liquids. We have hundreds of flavors and nicotine strengths available in the store. We also take custom orders on all e-liquids carried in our retail stores!

The electronic cigarette industry was worth about \$500 million dollars in 2012 and this number is expected to grow exponentially in 2013. – Forbes, October 2012

Why are people switching to electronic cigarettes?

Many doctors and university professors agree electronic cigarettes are up to 99% healthier than traditional cigarettes.

Less expensive than traditional tobacco products and will cut down costs of smoking by 50-85%

You can "vape" anywhere – restaurants, malls, bars, where smoking is banned in most places

No tar, tobacco, secondhand smoke or unpleasant odors

No fire hazard, ash or dirty cigarette butts!

Nikki's Vapor Bar sells only the most popular and recognizably healthiest brands of premium North American made e-liquids and high quality personal vaporizers and accessories.



BUY JUICY EJUICE HERE!!!

Wholesale eLiquid



WHOLESALE E-LIQUID

Franchise Opportunities



FRANCHISE OPPORTUNITIES

Commitment to Quality



**COMMITMENT
TO QUALITY***New From Nikki*

- ✦ [Can I vape in public?](#)
- ✦ [Is vaping safe?](#)
- ✦ [What is eJuice or e-Liquid?](#)

Tags

Amsterdam e-Liquid best **e-liquid** ecig
eJuice electronic cigarette
eStick Juicy Juicy eJuice PCC personal vaporizer PG
vaporizing VG

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APPENDIX 8



eJuice with Nicotine on SALE in Canada, USA, UK and More!

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JUICY! EUJICE

AMSTERDAM E-LIQUID

ELECTRONIC CIGARETTES

JUICY! VARIETY PACKS

[Home](#) > [Electronic Cigarettes](#) > [eStick Starter Kits](#) > [eStick Starter Kit](#)

RELATED PRODUCTS

Check items to add to the cart or select all



SMOOTH MENTHOL TOBACCO E-LIQUID

~~\$9.99~~
\$8.99
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SMOOTH SPEARMINT TOBACCO E-LIQUID

~~\$9.99~~
\$8.99
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SMOOTH STRAWBERRY TOBACCO E-LIQUID

~~\$9.99~~
\$8.99
[Add to Wishlist](#)

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POPULAR TAGS

Amsterdam Creamy Good
Great Rich **SWEET**
Smooth TASTY
delicious e-liquid flavour
fresh fruit fruity innovative
juicy love nostalgic real
tobacco

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To Earn Juicy Bucks[SUBSCRIBE](#)

PRODUCT'S REVIEWS



eStick Starter Kit

Review by Beth

Rating: ★★★★★

Best E-Cig ever!

I have tried and used too many e-cigs to even count so when a friend



eStick Starter Kit



HUGE Vapor
MASSIVE Tank
EASY Refill
VAPE Anywhere

eStick Starter Kit

Earn Juicy Bucks when you
[Write A Review](#) | [Tag this Item](#)
[Sign up for price alert](#)

Availability: In stock

Regular Price: ~~\$109.00~~Special Price: **\$79.00**Qty: [ADD TO CART](#)
 OR [Add to Wishlist](#)
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Quick Overview

JUICY! eStick Starter Kit has everything you need to start vaping!
 WALL ADAPTER NOT INCLUDED

Click on above image to zoom it. Move your mouse.

More Views



Product Tags

Other people marked this product with these tags:

love (14) TASTY (35) amazing (10) delicious! (2) awesome (5) superior (2) wonderful (7) Excellent! (1) happy (1) Good (15)
 great pull! (1) best cig on market! (1) best ever (1) better than the rest (1) great pull (1) no smell (1) no smokey smell (1)
 Advanced (2) inovative (1) social (1) splendid (1) Excellent (3) deal (4)

Add Your Tags:

[ADD TAGS](#)

Use spaces to separate tags. Use single quotes (') for phrases.

Product Description

We Also Recommend

Related Products

Product's Review

This is the BEST SELLING eCigarette available.



The JUICY! eStick is one of the **best electronic cigarettes** on the market today. The JUICY! eStick combines the hottest dual-coil atomizer with a huge 2.0 ml Cartridge/Tank and an Ego-C 650 MAH battery. This combination finally gives you an cig that creates **huge vapor**, holds a **charge** and is **packed with flavour** for a long time.

Review by Christel

Rating: ★★★★★

Love this estick.

I love this estick! Works great, produces awesome vapor, battery lasts all day, and it

**eStick Starter Kit**

Review by Brian

Rating: ★★★★★

Great Device.

I have used ecigs for over three years, This by far is the best combination

MOST POPULAR

JUICY! E-JUICE
CRANBERRY E-
LIQUID

~~\$9.99~~**\$8.99****WHOLESALE E-LIQUID****Contact Us For****Wholesale e-Liquid****Pricing****Refilling Your JUICY! eStick Is Easy**

Filling up eCigarette cartridges used to be a challenge. Sometimes you needed a needle bottle or syringe, sometimes you had to mess with leaking cartridges. Those worries and pains are all a thing of the past!

Simply unscrew the tip of your JUICY! eStick and add your favourite eJuice. Screw it back on and have a taste!

The JUICY! Atomizer holds up to 2 mls of your favorite JUICY! eJuice and has a screwtight seal. You can fill up a few different flavours and easily carry, store and change on the go!

The JUICY! 650 MAH Battery

Your JUICY! eStick is powered by a huge 650 MAH battery. This eStick has lots of power!

The JUICY! Atomizer - HUGE Vapor

Your JUICY! eLiquid is heated by a super-charged **dual coil JUICY! Atomizer** to create the ultimate heat for vaporizing JUICY! eJuice and most of your favorite eLiquids.

The Juicy eStick Starter Includes:

5 x JUICY! Atomizers

2 x Ego-C 650 MAH Batteries

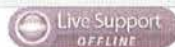
1 x USB Charger

1 x Carry Case

WALL ADAPTER NOT INCLUDED

The JUICY eStick is perfect when you want a great vapor and flavour experience that lasts puff after puff.

****wall adapter sold separately****

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APPENDIX 9



APPENDIX 10



eJuice with Nicotine on SALE in Canada, USA, UK and More!

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BEST EUJICE

JUICY! EUJICE

AMSTERDAM E-LIQUID

ELECTRONIC CIGARETTES

JUICY! VARIETY PACKS

Home > JUICY! eJuice

* BROWSE BY

Category

JUICY Fruit Flavors (20)

JUICY Sweet Flavors (31)

JUICY Tobacco Flavors (21)

JUICY Drink Flavors (7)

JUICY Best Sellers (12)

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POPULAR TAGS

Amsterdam Creamy Good
Great Rich SWEET
Smooth TASTY
delicious e-liquid flavour
fresh fruit fruity innovative
juicy love nostalgic real
tobacco

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To Earn Juicy Bucks

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PRODUCT'S REVIEWS



Juicy! eJuice Green Apple e-Liquid

Review by Christel

Rating: ★★★★★

Takes me back.

LOVE this flavor! Crisp apple flavor.

Great vape



Juicy! eJuice Caramel Macchiato e-Liquid

Review by Fred

Rating: ★★★★★

Dessert.

High quality e-liquid just not a flavor I care for more than a few puffs



Juicy! eJuice Strawberry Cheesecake e-Liquid

Review by Rainee

Rating: ★★★★★

JUICY! eJuice

JUICY! eJuice is delicious e-liquid made in Canada, the United States and the UK.

Items 1 to 24 of 66 total

Page: 1 2 3 >

Show 24 per page

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CUBAN CIGAR TOBACCO E-LIQUID

★★★★★ 5 Review(s)

Cuban Cigar Tobacco e-Liquid from Juicy eJuice produces a wonderful flavor of a smooth cuban cigar.

Regular Price: ~~\$9.99~~Special Price: **\$8.99**[ADD TO CART](#)[Add to Wishlist](#)[Add to Compare](#)

HICKORY SMOKED TOBACCO E-LIQUID

★★★★★ 2 Review(s)

Hickory Smoked Tobacco e-Liquid delivers the traditional taste of tobacco with a hint of hickory.

Regular Price: ~~\$9.99~~Special Price: **\$8.99**[ADD TO CART](#)[Add to Wishlist](#)[Add to Compare](#)

JUICY! EUJICE LIME E-LIQUID

★★★★★ 4 Review(s)

Juicy! eJuice Lime e-Liquid a fresh squeeze of lime on a hot summer's day!

Regular Price: ~~\$9.99~~Special Price: **\$8.99**[ADD TO CART](#)[Add to Wishlist](#)[Add to Compare](#)

JUICY! EUJICE ALMOND AND AMARETTO E-LIQUID

★★★★★ 3 Review(s)

Juicy! eJuice Almond and Amaretto e-Liquid is a wonderful combination of almonds and amaretto

Regular Price: ~~\$9.99~~Special Price: **\$8.99**[ADD TO CART](#)[Add to Wishlist](#)[Add to Compare](#)

JUICY! EUJICE APPLE PIE E-LIQUID

★★★★★ 16 Review(s)

Juicy! eJuice Apple Pie e-Liquid is a rich flavor of apple pie and delicious spices.

Regular Price: ~~\$9.99~~Special Price: **\$8.99**[ADD TO CART](#)[Add to Wishlist](#)[Add to Compare](#)

JUICY! EUJICE BANANA CREAM PIE E-LIQUID

★★★★★ 8 Review(s)

Juicy! eJuice Banana Cream Pie e-Liquid has a wonderful flavor of banana cream pie!

Regular Price: ~~\$9.99~~Special Price: **\$8.99**[ADD TO CART](#)[Add to Wishlist](#)[Add to Compare](#)

JUICY! EUJICE BANANA NUT BREAD E-LIQUID

★★★★★ 7 Review(s)

Juicy! eJuice Banana Nut Bread e-Liquid is a savory treat that tastes like it's right from the oven!

Regular Price: ~~\$9.99~~Special Price: **\$8.99**

JUICY! EUJICE BERRY BERRY BLUEBERRY E-LIQUID

★★★★★ 8 Review(s)

Juicy! eJuice Berry Berry Blueberry e-Liquid has a fresh flavor of sweet berries!

Regular Price: ~~\$9.99~~Special Price: **\$8.99**

JUICY! EUJICE BLACK CHERRY TOBACCO E-LIQUID

★★★★★ 22 Review(s)

Juicy! eJuice Black Cherry Tobacco e-Liquid is a tasty cherry infused tobacco.

Regular Price: ~~\$9.99~~Special Price: **\$8.99**

Delicious.

I like this flavour after eating a good meal. My friend let me try it.

MOST POPULAR

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CRANBERRY E-
LIQUID~~\$9.99~~
\$8.99

WHOLESALE E-LIQUID

Contact Us For

Wholesale e-Liquid

Pricing

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LIQUID

★★★★★ 7 Review(s)

Juicy! eJuice Blackberry Blast e-Liquid
tastes like their picked fresh off the tree!Regular Price: ~~\$9.99~~
Special Price: \$8.99

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CHEESECAKE E-LIQUID

★★★★★ 4 Review(s)

Juicy! eJuice Blackberry Cheesecake e-
Liquid is a luscious combination of
blackberries and cream.Regular Price: ~~\$9.99~~
Special Price: \$8.99

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E-LIQUID

★★★★★ 3 Review(s)

Juicy! eJuice Blueberry Cheesecake e-
Liquid is a mouthwatering combination
of fresh blueberries and creamy
cheesecake.Regular Price: ~~\$9.99~~
Special Price: \$8.99

ADD TO CART

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LIQUID

★★★★★ 4 Review(s)

Juicy! eJuice Bold Black Cherry e-Liquid
delivers a delicious crisp black cherry
flavor.Regular Price: ~~\$9.99~~
Special Price: \$8.99

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E-LIQUID

★★★★★ 2 Review(s)

Juicy! eJuice Butterscotch Bliss e-Liquid
is a luscious blend of butterscotch and
cream.Regular Price: ~~\$9.99~~
Special Price: \$8.99

ADD TO CART

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E-LIQUID

★★★★★ 5 Review(s)

Juicy! eJuice Canadian Maple Magic e-
Liquid is a delicious blend of maple and
sugar.Regular Price: ~~\$9.99~~
Special Price: \$8.99

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LIQUID

★★★★★ 20 Review(s)

Juicy! eJuice Canadian Menthol e-Liquid
produces a rich menthol flavor.Regular Price: ~~\$9.99~~
Special Price: \$8.99

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LIQUID

★★★★★ 3 Review(s)

Juicy! eJuice Caramel Cuddles e-Liquid is
rich with caramel flavor!Regular Price: ~~\$9.99~~
Special Price: \$8.99

ADD TO CART

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LIQUID

★★★★★ 9 Review(s)

Juicy! eJuice Caramel Macchiato e-Liquid
is a savory combination of caramel
macchiato.Regular Price: ~~\$9.99~~
Special Price: \$8.99

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JUICY! EJUCE CHERISH CHERRY E-LIQUID

★★★★★ 6 Review(s)

Juicy! eJuice Cherish Cherry e-Liquid has the sweet taste of cherries.

Regular Price: **\$9.99**

Special Price: \$8.99

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JUICY! EJUCE COOL SPEARMINT TOBACCO E-LIQUID

★★★★★ 3 Review(s)

Juicy! eJuice Cool Spearmint Tobacco e-Liquid delivers a flavorful spearmint vapor.

Regular Price: **\$9.99**

Special Price: \$8.99

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JUICY! EJUCE CHOCOLATE DECADENCE E-LIQUID

★★★★★ 7 Review(s)

Juicy! eJuice Chocolate Decadence e-Liquid is like a chocolate eruption in your mouth!

Regular Price: **\$9.99**

Special Price: \$8.99

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JUICY! EJUCE CRANBERRY CHAMPAGNE CELEBRATION E-LIQUID

★★★★★ 2 Review(s)

Juicy! eJuice Cranberry Champagne Celebration e-Liquid is a wonderful combination of sweet strawberries and bubbly champagne!

Regular Price: **\$9.99**

Special Price: \$8.99

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JUICY! EJUCE CINNAMON RED HOTS E-LIQUID

★★★★★ 14 Review(s)

Juicy! eJuice Cinnamon Red HOTS e-Liquid is a fun flavor full of spicy cinnamon!

Regular Price: **\$9.99**

Special Price: \$8.99

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JUICY! EJUCE CRANBERRY E-LIQUID

★★★★★ 3 Review(s)

Juicy! eJuice Cranberry e-Liquid gives the taste of fresh cranberries from your mom's tree!

Regular Price: **\$9.99**

Special Price: \$8.99

ADD TO CART

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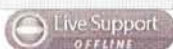
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APPENDIX 11

Juicy! SALE on NOW!

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Juicy! SALE On Now!

Don't Miss Out - Two Days Only

Thanks for being a Juicy client. We have a HUGE sale on Juicy eJuice and Amsterdam e-Liquid on **NOW!**

Enter your discount code: **juicysale**

when you check out, and save 25% extra!

Happy Vaping!

Discount valid July 13 and July 14th, 2013. Valid for retail orders only. Not valid on wholesale orders.

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